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9 Counsel for Defendant SCARDINO

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13

14 UNITED STATES OF AMERICA,) No. CR-3-06-70568 MAG
15 Plaintiff,) DEFENDANT'S UNOPPOSED MOTION
16 v.) AND [PROPOSED] ORDER GRANTING
17 BRITTNI SCARDINO,) MOTION FOR MODIFICATION TO
18 Defendant.) RELEASE BOND

19 On September 6, 2005, this Court released defendant Brittni Scardino on a \$100,000
20 unsecured bond. As a condition of her release, Ms. Scardino was ordered to appear in Federal
21 District Court for the District of South Dakota on or before September 20, 2006.

22 Immediately upon her release, Ms. Scardino contacted the Federal Public Defender in
23 Rapid City, South Dakota. In turn, the Federal Defender contacted the Clerk of the Court to
24 place the matter on the magistrate's calendar. Ms. Scardino was given a date of October 5, 2006.
25 Attached hereto as *Exhibit A* is a letter from counsel confirming this information.

26 Ms. Scardino respectfully requests that the Court modify her release conditions to require
27 that she appear in South Dakota on or before October 5, 2006. Undersigned counsel has
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1 confirmed that the government does not oppose the requested modification.

2 Dated: September 14, 2006

3 Respectfully submitted,

4 BARRY J. PORTMAN
Federal Public Defender

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6 JOSH COHEN
7 Assistant Federal Public Defender

8 **ORDER**

9 Accordingly, and for good cause shown, the defendant's conditions of release are hereby
10 modified as follows: Ms. Scardino shall appear in Federal District Court for the District of South
11 Dakota on case number CR-06-50064 on or before October 5, 2006. All other conditions shall
12 remain in effect.

13 **IT IS SO ORDERED.**

14 Dated: September 14, 2006



EXHIBIT A

**FEDERAL PUBLIC DEFENDER
DISTRICTS OF SOUTH DAKOTA AND NORTH DAKOTA**

Jeffrey L. Viken

DATE: September 13, 2006

TO: Mr. Josh Cohen

PROM: Mr. Gary G. Colbath, Jr.

FAX NO: (415) 436-7706

NUMBER OF PAGES INCLUDING THIS SHEET: 1

RE: *U.S.A. v. Brittni Scardino, a/k/a Brittni Poore*
CR No. 06-50064-01

MESSAGE: Pursuant to our conversation, this is to confirm that the magistrate court here in South Dakota has set Ms. Scardino's initial appearance for Thursday, October 5, 2006, at 1:30 p.m. She need not be in South Dakota or appear in court before that time. Should you have any questions, please feel free to contact me.

(Signature)

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Hard Copy Sent

703 Main Street, 2nd Floor, Rapid City, South Dakota 57701
Telephone: (605) 343-5110 Telefax: (605) 343-1498

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that the following:

Defendant's Unopposed Motion and [Proposed] Order Granting Motion For Modification to Release Bond, was stamped "Filed" September 14, 2006 in the case **United States v. Brittni Scardino**.

6 and served by hand to:

United States Attorney,
1301 Clay St. Room 340S
Oakland, CA 94612
Fax # 510-637-3724

September 14, 2006


MICHAEL TARKINGTON